

Chairman Genachowski and whomever this might concern at the FCC, We cannot afford to be neutral on Net Neutrality. We need FCC action now. The time for action has arrived. I understand today is the last day to submit public comments to the FCC on Net Neutrality. I've submitted plenty on the open Internet's benefits for commerce, innovation, free flow of information, telecommunication etc. If we begin to restrict the Internet now in the U.S. we'll fall further behind other countries that have universal broadband already. If the FCC does not protect Net Neutrality (if the FCC neither wants to nor is capable of doing so we need another agency that will do so) Congress intended under the 1996 Telecommunications Act for the FCC to have such authority. The FCC is the only agency that can regulate broadband and protect Net Neutrality so I urge you to do your job(s) and protect us from discrimination by the incumbent big cable and phone ISP duopoly. We need more competition, more choice, and better prices. Despite claims by industry that imposing Net Neutrality will hurt efforts to close The Digital Divide that is farthest from the truth. The former FCC's own policies that allowed the broadband market to become a duopoly and the policies in turn of the incumbent duopoly providers of high speed Internet access contributed to the creation and expansion of the country's Digital Divide. To be globally competitive with the rest of the world we need to keep the Internet in our country open and to expand access by expanding deployment and encouraging policies to increase adoption of high speed Internet services. We must have expanded deployment and lower prices to encourage higher adoption. The following is an article stressing the need for Net Neutrality and stating that unless the FCC reverses some Bush era policy mistakes it will be unable to do so.

A federal appeals court ruled on April 6 that the Federal Communications Commission lacks authority to regulate broadband Internet services under its current legal framework. The ruling overturned the FCC's August 2008 decision that forced cable giant Comcast to stop blocking lawful file-sharing.

Bottom line: Unless the FCC reverses some decisions it made during the Bush era, the agency that is charged with overseeing the nation's communications infrastructure will remain without authority to regulate broadband - the primary communications platform of the 21st century.

The court's monumental ruling threatens the FCC's mission to protect Internet users. It prevents the agency from stopping big companies such as Comcast or AT&T from interfering with Internet traffic. It undercuts President Barack Obama's promise to preserve network neutrality, the fundamental principle that keeps the Internet open and free from discrimination. And it leaves the agency without the authority to pursue the lofty goals in the FCC's celebrated national broadband plan, released last month.

This is particularly troubling at a time when the United States continues to fall behind other nations in Internet speed, affordability and adoption. More than 96% of U.S. households have two or fewer choices of wired broadband providers; that's hardly a competitive market.

The reason? According to an FCC-commissioned Harvard study, other nations have forward-looking government policies that ensure competition and encourage broadband adoption. But in this country, as with banking and health care, a corporate-driven deregulatory approach has enriched the largest companies and left the public with higher costs and fewer choices.

To understand how we got into this mess, let's turn back the clock to 1996, when Congress passed the Telecommunications Act, which deemed broadband a "telecommunications service." Content and applications that used broadband were termed "information services," subject to less scrutiny.

In 2002, that changed. In a series of decisions made at the urging of phone and cable companies, the Bush FCC quietly classified broadband Internet access service as an "information service" under the act, largely removing broadband from FCC oversight.

In 2005, that decision was upheld by the Supreme Court as a reasonable interpretation of the 1996 Act. This change had major ramifications, not only putting net neutrality in jeopardy but resting the FCC's authority on the flimsier grounds of "ancillary jurisdiction." That's what the court rejected.

FCC oversight of broadband services through ancillary jurisdiction is certainly not what Congress had in mind when it passed the 1996 act. Sen. John Kerry (D-Mass.), who worked on the 1996 act, said last week that "Congress did not intend for cable and telephone broadband Internet service providers to fall outside the authority of the FCC to protect consumers."

However, in its decision, the court left the door open for a straightforward fix: The FCC can correct the mistakes of the Bush administration and "reclassify" broadband as a telecommunications service under the law. The FCC can and should pursue this option and ignore the false "sky is falling" arguments that will surely come from cable and phone companies and their army of lobbyists and PR firms.

Reclassification would put the FCC's broadband policies on more solid legal footing, and it would not be a radical change: It would merely close the loophole created by the previous FCC. The commission would then be able to adopt policies to preserve the value of the open Internet and bring broadband to rural and low-income Americans.

Moreover, the commission has the authority, under a procedure called forbearance, to tailor its policies narrowly. It can decide that broadband service providers should be required to comply with only some, and not all, of the rules governing telecommunications services.

Ultimately, Comcast's day in court may turn out to be a Pyrrhic victory for the cable giant. Its aggressive strategy has left the FCC with only one alternative: to restore the basic rules protecting

the Internet.

This is no time for the FCC to retreat. Chairman Julius Genachowski must use the tools at his disposal to reassert the agency's rightful authority and put the public interest ahead of big corporations. The chairman must do what it takes to protect consumers from anti-competitive behavior, encourage broadband deployment and adoption and preserve the Internet as an open platform for democratic engagement, information-sharing, cultural expression and commercial activity.

As both consumers and citizens, Americans deserve no less.